

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

OLIVER PRICE,)	CASE NO. 5: 15 CV 740
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
JUDGE CARLA MOORE,)	
)	
)	
Respondent.)	

Pro se Petitioner Oliver Price, a state prisoner, has filed this action seeking a writ of mandamus against Judge Carla Moore, an Ohio appeals court judge.

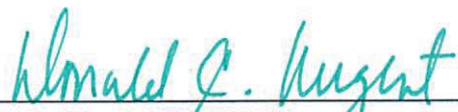
Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365, (1982) (*per curiam*); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), district courts are expressly required to dismiss, as soon as practicable after docketing, any civil action filed by a prisoner seeking redress from a governmental officer or entity that the district court determines is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A.

Under 28 U.S.C. § 1361, federal district courts have jurisdiction over an action in the nature of mandamus only “to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” Federal district courts have no power under 28 U.S.C. § 1361

to direct state courts or state officers in the performance of their duties. The Petitioner's complaint, which on its face seeks mandamus relief against a state appellate court judge, fails to states a claim on which this Court may grant relief under 28 U.S.C. § 1361.

Accordingly, the Court is dismissing this action pursuant to 28 U.S.C. § 1915A. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

Dated: May 19, 2015